

Pleasant Grove City Council Minutes
May 20, 2008
7:00 p.m.

PRESENT:

Mayor: Michael W. Daniels

Council Members:

Jeffrey D. Wilson

Mark K. Atwood

Cindy Boyd

Lee G. Jensen

Bruce Call

Deputy Recorder:

Mary Burgin

Others:

Frank Mills, City Administrator

Gary Clay, Finance Director

Tina Petersen, City Attorney

Lynn Walker, Public Works Director

Deon Giles, Leisure Services Director

Ken Young, Community Development Director

Richard Bradford, Economic Director

Degen Lewis, City Engineer

Tom Paul, Police Chief

Marc Sanderson, Fire Chief

Jay Dee Nielson, Rec. Manager

Karen Bezzant, City Treasurer

Libby Flegal, NAB Chair

The City Council and staff met at the City Council Chambers (south entrance), 86 East 100 South, Pleasant Grove, Utah

Mayor Daniels called the meeting to order at 7 p.m. and welcomed everyone.

1. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Boy Scout Cayden Gomez.

2. OPENING REMARKS

The Opening Remarks were given by Council Member Atwood.

3. ROLL CALL

Mayor Daniels acknowledged Council Members Wilson, Call, Boyd, Jensen and Atwood.

4. APPROVAL OF MEETING'S AGENDA

Mayor Daniels asked if there were any additions to the agenda. Attorney Petersen said there would need to be an executive session at the end of the meeting to discuss acquisition of property as well as personnel. The Mayor then asked for a motion.

ACTION: Council Member Jensen moved to approve the agenda, adding an executive meeting at the end of the meeting to discuss acquisition of property as well as personnel. Council Member Call seconded and the motion passed unanimously with Council Members Call, Atwood, Jensen, Wilson and Boyd voting, "Aye."

5. CONSENT AGENDA (Consent items are only those which have been discussed beforehand, are non-controversial and do not require further discussion):

MINUTE REVIEW AND APPROVAL:

1. To consider approval of paid vouchers (May 10, 2008)
2. To consider appointment of Steve Shrader to serve as a new alternate on the Planning Commission.

Mayor Daniels asked if everyone had an opportunity to review the consent items and if there were any questions or concerns with them.

Mayor Daniels thanked Mr. Shrader for agreeing to serve on the Planning Commission. He then asked for a motion.

ACTION: Council Member Call moved to approve the consent items. Council Member Wilson seconded and the motion passed unanimously with Council Members Call, Wilson, Boyd, Atwood and Jensen voting "Aye."

6. OPEN SESSION

Mayor Daniels explained that the open session was a time when people could come forward to express their concerns regarding issues generally not on the agenda. He asked that they state their name and address. No one came forward

7. NEIGHBORHOOD ADVISORY BOARD REPORT

Chair Libby Flegal said that she didn't have anything to report at the time.

8. LIBRARY BOARD REPORT

No one came forward from the library.

9. BUSINESS:

A. CONTINUED PUBLIC HEARING TO CONSIDER AN ORDINANCE REGARDING LEGRAND WOOLSTENHULME'S REQUEST TO AMEND SECTION 10-11D-16, "MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENT REQUIREMENTS," OF THE PLEASANT GROVE CITY MUNICIPAL CODE, FOR AN EXCEPTION TO ALLOW MULTIPLE-FAMILY RESIDENTIAL WHERE COMMERCIAL ALREADY EXISTS ADJACENT TO THE PROJECT AREA. (STRING TOWN NEIGHBORHOOD) Continued from May 6, 2008 City Council meeting)

Director Young explained that this was an item that had been continued from the May 6, 2008 City Council meeting. He said it was a public hearing on an ordinance amendment proposal to Section 10-11D-16 of the current ordinance. Mr. LeGrand Woolstenhulme is the applicant.

He next explained that the proposal had been submitted due to recent discussions between the applicant and City Staff regarding the code requirement to have a certain percentage of commercial development associated with any multi-family development proposals in the CS-2 Zone. The applicant is planning a multi-family residential development on property over by the Smith's Food store; however, there is already a fair amount of commercial that exists, and the applicant is finding that having to meet the current requirements to involve existing commercial businesses, with their future residential plans, is a difficult and unreasonable task. The City has spoken with another party interested in doing the same type of development in the same area, and found the same reaction.

The City Council recently approved the same applicant's rezone request from C-S to CS-2 to allow for the residential element to be considered for property between 700 South and 1000 South and from Main to State Street. He said the current problem was that not all, but much of the prime commercial frontage is already developed into commercial or offices uses, leaving property behind these businesses that are vacant and blighted. This leaves developers few options to none for developing commercial that would meet the current code requirement, if residential were to be included. The land use designation is Commercial Retail; therefore, commercial-type operations are the priority.

The code currently requires the following, for multi-family residential developments, in the CS-2 Zone:

- 30-acre or more project area.
- 55% of the project's buildable area is to be commercial/office uses.
- Minimum 3-acres/maximum 10-acres for the residential portion of the development proposal.
- 40% Open Space required.

There are other supporting requirements; however, the ones listed above are more directly related to the change being proposed.

It appears, when the ordinance was created, it was intended for property that was completely undeveloped, because there is no consideration for cases where commercial

already exists. Staff believed that the proposed amendments address the concerns of future developers, and protects the interests of the City. The solution Staff has put together in the new ordinance would be to keep the code as it is. This can provide the commercial element that has the public frontage necessary for those types of operations, but add a provision to allow for multi-family residential developments to still occur if adjacent to commercial that already exists; providing that certain conditions are confirmed and met, as listed in the new ordinance.

He said Staff is recommending approval due to the fact that with the current conditions the way they are in this part of the City with blight and a lack of additional commercial development, this might help mitigate some of these problems, and help support the businesses in the vicinity. Included in the proposal are other minor changes that Staff believes are necessary amendments that should go along with amending this section of the code.

Mayor Daniels asked about the prior discussion regarding the potential impact to the RDA in that area. Administrator Mills responded that in talks with Alpine School District (ASD), the district officials are comfortable with condominiums, not apartments, going into that area. He said the RDA is still out three years to being paid off.

Council Member Boyd then asked how much better it would be if there was commercial in that area in paying off the RDA. Director Young said that there is a higher tax return with commercial. However, he said that after 10 years, the commercial interests in that area have not increased. He said the multi-family housing is not the best or the worst option; it is just another option.

Mayor Daniels reminded everyone that there is currently no site plan being submitted, but just an ordinance amendment.

Council Member Call asked what other areas in the City would qualify for this kind of zoning. Director Young answered that some areas west of Macey's and this area around Smith's Grocery store.

Council Member Atwood said it looked as though the open space requirements would be reduced. He explained that according to what he had heard so far, the requirements for open space would be reduced by the residential units coming in. He also said that he didn't consider anything but actual open space to be counted as such. Director Young said that when there is a large, overall usage such as this, there remain open space area requirements. He explained that the open space requirements in The Grove were not in place when the Smith development went in several years before.

After further discussion, Council Member Call observed that there ought to at least be areas that were identified as open space. Director Young said that 20% will be the required amount.

Council Member Wilson commented that he was concerned about more multi-family housing going into the City.

Mayor Daniels then opened the discussion to a public hearing.

The applicant, Mr. LeGrand Woolstenhulme, then addressed the Council. He told them that he had personally gone around to the business owners within the Smith's development. Once he explained what he was attempting to do, he said the business owners were very happy with his plan. He said they commented that the area really needed more rooftops. He said that the Wal Mart (just down the street) in Lindon had hurt business in the Smith's area. He noted that the business owners felt that if residential was allowed to come in, it would give people the opportunity to have businesses that they could just walk to.

Mr. Woolstenhulme then said that the Planning Commission could see why developing residential was better than commercial for that area. He said several of the commercial businesses that are relatively new were cited by the Planning Commission members as still being vacant. He said they felt that residential housing might be an answer to that area. Additionally, Mr. Woolstenhulme noted that he ran the numbers, and if he would build 140 units, it could result in revenue to the City in the range of \$1.2 million. He then asked that the Council approve his request.

Mayor Daniels then commented to Mr. Woolstenhulme that the school district is looking to him to build owner-occupied units. Mr. Woolstenhulme said that was very clear to him. However, he said that staff had indicated that there would be ongoing revenue for the 140 units. He said he estimated that the ASD would receive about \$78,000 from this development annually. He noted that this would be a win-win for everyone.

Mr. Woolstenhulme then told the Council that the Planning Commission said that enforcing owner-occupied housing is very difficult. He said it is a question as to who would go out to check and enforce such a requirement.

Administrator Mills then commented that as far as the taxing entities go, if the Council was considering making the approval different than had originally been talked about (with condos), he said the ASD had said they could only see condos, not apartments, as the way to garner the revenues they would need for the payment of the RDA. He said if the ASD didn't participate in the paying of the RDA, Pleasant Grove City would be unable to make the payments alone.

Mayor Daniels said that if Mr. Woolstenhulme's proposed residential development were individually owned units, then the City would have participation from the ASD. Administrator Mills said yes, that was correct. Council Member Call asked if the Planning Commission knew about the wishes of the ASD. No one answered, but Mr. Woolstenhulme commented that he thought there are only four more payments on the RDA.

Mayor Daniels then asked if anyone else wanted to come forward. No one did, so he closed the public hearing, and brought the discussion up to the Council.

Administrator Mills said that one thing the Council needed to realize was that the original developer came in several years before with plans for completing the area as a

commercial development. However, he said that six to eight months ago, the plans were different.

Council Member Boyd then said that she felt the housing needed to be owner-occupied. She also said the area needed to be planned with an adequate trail system.

Mayor Daniels then said that he had gone back and read item “C” and found that it read that the units needed only to be owned, not owner-occupied. Director Young said that was correct. He said that the units needed to be sold and individually owned. He said there really was no way to enforce “owner-occupied.”

Administrator Mills said that the way it was presented to the ASD, the units would be owned by individuals. He said the ASD liked the idea of a less transient population; which would be rented apartments.

Council Member Call then asked Chief Paul as to his opinion as to the residential units coming in. Chief Paul said he could see an economic benefit and major impact if residential condos came into that area. He said it would be much better than what is in there right now.

Council Member Atwood then commented that he was still stuck on the potential benefit to Smith’s. He said that he would like to something brought in, but he was not willing to give up commercial development in that area and say it was a lost cause.

Council Member Call asked if the proposed amendment could possibly be tabled until the ASD could be checked with.

Council Member Boyd said that maybe the Council could perhaps table it, then let the ASD know where they were coming from.

Council Member Atwood said that he felt that if the units were individually owned, it would be fewer problems not only with the ASD, but all the way around.

Mayor Daniels then commented that he was concerned about Smith’s ability to continue to survive in that area. He said that without having rooftops, it will be hard for Smith’s to stay in Pleasant Grove—and if they disappear, the City really would have a problem.

Attorney Petersen then said she would like to clarify that when Smith’s was built, they had not anticipated any residential going in there. She said they figured that only commercial would continue to be developed in that area. However, when commercial was not continuing to come in, residential was considered.

Council Member Boyd said that she gathered that the applicant was trying to get commercial into the area, also. She said that there needs to be more commercial, also.

Council Member Call indicated that as he looks at the area, if there was a need for mixed use, there would need to be a commercial aspect to Mr. Woolstenhulme’s plans for the area.

Mayor Daniels then asked for a motion.

ACTION: Council Member Atwood moved to table Mr. Woolstenhulme’s request for an amendment to Section 10-11D-16 of the “Multiple-Family Residential Development Requirements,” of the Pleasant Grove City Municipal code, for an exception to allow multiple-family residential where commercial already exists adjacent to the project area. The motion died for a lack of a second.

ACTION: Council Member Jensen moved to deny LeGrand Woolstenhulme’s request to amend section 10-11D-16, “Multiple-Family Residential Development Requirements,” of the Pleasant Grove City Municipal Code, for an exception to allow multiple-family residential where commercial already exists adjacent to the project area, as it is not in the best interest of the City. Council Member Wilson seconded and the motion passed with Council Members Wilson, Boyd, Atwood and Jensen voting “Aye,” and Council Member Call voting, “Nay.”

B. TO CONSIDER STEVE HULLINGER’S REQUEST FOR FINAL PLAT APPROVAL OF A 2-LOT SUBDIVISION KNOWN AS HULLINGER, PLAT “C,” LOCATED AT APPROXIMATELY 860 WEST 1290 NORTH, IN THE R1-8 (SINGLE FAMILY RESIDENTIAL, 8,000 SQ. FT. LOT AREA) ZONE. (NORTH FIELDS NEIGHBORHOOD)

Director Young explained to the Mayor and Council that the applicant, Stephen Hullinger, is requesting a final plat approval of a 2-lot subdivision known as Hullinger, Plat “C,” located at approximately 860 West 1290 North, in the R1-8 zone. The acreage is 4.87 acres.

The project area is currently a 4.8 acre parcel with one home on 1100 North. The applicant’s father is the owner of the property and is allowing the applicant to construct a lot in the back portion of the property. In order to create a second lot, the applicant has to go through the subdivision process. If approved, lot two would be the lot off 1100 North and lot one will be the newly created lot located on the corner of 1290 North and 860 West.

The property falls within three zoning designations, R1-8, R1-10, and R-R. The newly created lot falls entirely within the R1-8 zone, so a zone change will not be needed for this subdivision. However, a zone change is anticipated for future phases of the Hullinger subdivision. The newly created Lot one complies with the requirements of the R1-8 zone (lot size, frontage, lot width, etc).

The proposed subdivision is a 2-lot subdivision located at approximately 1332 N 860 West. The existing home will have access and frontage off of 1100 North. The newly created Lot one will be located on the corner of 1290 North and 860 West. The Vicinity for this project matches the vicinity of the Autumn Grove Subdivision. It is anticipated that when the Hullinger property subdivides further that 1290 North and 1180 North will connect. The engineering department has reviewed the proposed preliminary plat and recommended approval subject to meeting all of the final plat engineering requirements.

The Planning Commission approved the Hullinger Plat “C” preliminary plat at a public hearing held on April 24, 2008.

Mayor Daniels asked if there were any comments regarding the final plat approval. There were none. He then asked for a motion.

ACTION: Council Member Call moved to approve Steve Hullinger's request for final plat approval of a 2-lot subdivision known as Hullinger, Plat "C," located at approximately 860 West 1290 North, in the R1-8 (Single Family Residential, 8,000 sq. ft. lot area) zone including the following condition: (1.) That all final Engineering requirements are met. Also, based on the following findings: (1.) the proposed subdivision complies with the development requirements of the R1-8, R1-10, and R-R zones: (2.) The plat has been given a recommendation of approval from City Engineering: (3.) The preliminary plat was approved by the Planning Commission. Council Member Wilson seconded and the motion passed unanimously with Council Members Wilson, Call, Atwood, Boyd and Jensen voting "Aye."

C. TO CONSIDER BURBS LLC'S REQUEST FOR FINAL PLAT APPROVAL OF A 2-LOT SUBDIVISION KNOWN AS THE BURBS FACILITY SUBDIVISION, LOCATED AT APPROX. 510 WEST 700 SOUTH, IN THE MD (MANUFACTURING DISTRICT) ZONE. (SAM WHITE'S LANE NEIGHBORHOOD)

This item, Director Young indicated, is a request from Burbs, LLC (the applicant) for a final plat approval of a 2-lot subdivision of industrial land for the purpose of future development. The address is approximately 510 West 700 South in the MD (Manufacturing District) zone. The area consists of 12. 567 acres. He added that this is a fairly simple subdivision, in that they want to take one commercial lot and make it into two lots. He said they wish to construct a new office building with large truck repair facility on what would be lot #2.

Engineering has recommended the Council to proceed with an approval of the final plat. The main access would remain from 700 South. Lot #2 has a pan-handle piece which would provide the frontage needed, and for a future access location. The subject property falls within the Industrial land use designation. Director Young said that the applicant's intent for the future use of the property, associated with this plat proposal, is in compliance with this land use.

Each lot within the zone must be a minimum 1-acre in size, and have a minimum width of 100 feet, measured 50 feet back from the public right of way. The subdivision design and structure complies with this City ordinance. In planning for future development of this property, Staff has recommended that the applicant provides minimum 26 feet wide cross-access easements on both the east and west sides of lot #1, at a minimum distance of 25 feet, from the 700 South right of way line.

Director Young said that a transfer facility will not be added to this property at this time. Council Member Atwood asked if the applicant knows that there will need to be improvements made to the property. Director Young said that yes, the applicant knows those improvements will be required to be completed.

The Mayor asked if there were any questions or comments. There were none. Mayor Daniels then asked for a motion.

ACTION: Council Member Wilson moved to approve The Burbs LLC's request for final plat approval of a 2-lot subdivision known as the Burbs Facility Subdivision, located at approx. 510 West 700 South, in the MD (Manufacturing District) zone including the following condition: (1.)

All final Planning, Engineering, & Fire Department requirements are met, and any further redline comments addressed prior to recording the Final Plat. Also, based on the following findings: (1.) The proposal meets all the standard requirements for a Final Plat submittal in the MD zone. (2.) The City will obtain additional roadway dedication and improvements to 700 South. (3.) The subdivision shall foster certain developments to the area, anticipated by the City. Council Member Boyd seconded and the motion passed unanimously with Council Members Wilson, Boyd, Call, Atwood and Jensen voting "Aye."

D. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING TITLE 9 CHAPTER 3 SUBSECTIONS: 1 (PURPOSE), 2 (DEFINITIONS), 4 (IMPACT FEE CALCULATIONS), 5 (CAPITAL FACILITIES PLAN), 6A (CULINARY WATER IMPACT FEE SCHEDULE), 7 (EXCEPTIONS AND ADJUSTMENTS) AND 8 (APPEAL PROCEDURE) OF THE PLEASANT GROVE CITY CODE, MODIFYING THE WATER IMPACT FEE SCHEDULE; AND PROVIDING FOR AN EFFECTIVE DATE.

Director Clay said that this item would be presented by Mrs. Elise Lechtenberg from the firm of Lewis Young Robertson and Burningham, Inc. It is regarding the amending of Title 9, Chapter 3 of The Pleasant Grove City Code, modifying the water impact fee schedule and providing for an effective date.

Mrs. Lechtenberg explained that the City had retained her firm to complete an update to its current culinary water and transportation Impact Fee Analysis. This impact fee update has been spurred mainly by the addition of a pressurized irrigation system, which changes the impacts on, and therefore the needs of the culinary water system. This creates a need for revisions to the existing water impact fees and creates a service area for specific roadway projects, generating the need to update the citywide transportation impact fees.

She explained that the analysis deals strictly with the City's culinary water and roads systems and the cost of providing these services to future development within the service area. The intent of the analysis is to ensure that the City is recovering an equitable amount of revenue through impact fees. Neither the existing nor future development is subsidizing the other.

Next, she indicated that City staff had worked closely with Horrocks Engineers, who prepared the "Pleasant Grove City Culinary Water Master Plan 2007-2030." Additionally, JUB Engineers also worked with the City staff in preparing the "Transportation Master Plan," which was revised to update construction costs. The Water Master Plan was adopted by the City on September 18, 2007 and the revised Capital Improvement Plan to the Transportation Master Plan was adopted on May 20, 2008. She said the Impact Fee Analysis is based heavily on these engineering documents. She went on to say that these documents should be read in their entirety along with this analysis to gain a complete understanding of the plan.

The proposed impact fees will be assessed in one distinct City-wide service area. The anticipated growth in population and the projected Equivalent Residential Connections (ERC's), are based on current land use planning in the service area. It is recommended that the impact fees be updated at least every three to four years or as changes are made to the City's Land Use Plan, whichever may occur first.

The City's current population is approximately 31,165 residents. Based on the City projections, the population will almost double to a build-out population of 61,507 residents.

The water needs per future user are based on land use densities and translated to ERC's as set forth in the Master Plan. The Master Plan determines necessary culinary water improvements, including additional source, storage and distribution projects.

The Impact Fees Act allows a City to include in the impact fee calculations for the construction contract price, the cost of acquiring land, improvements, materials and fixtures. It also includes the cost for planning, surveying and engineering fees for services provided for and directly related to the construction of the system improvements, etc.

Working with Horrock's Water Engineer John Schiess, she said the figures were carefully worked out. She added that the recommended water impact fees include the costs of planned growth related improvements with a 3.19% annual inflation factor to account for increases in construction costs, debt service payments that funded or will fund growth-related improvements and will therefore be repaid with impact fee revenues along with the engineering and consulting fees associated with the preparation of the Master Plan and Impact Fee Analysis. The total of these figures comes down to \$3,169.28, she said, as a total impact fee per ERC. If a user needs to place a higher demand on the system than what is needed for a standard ERC, the user will be charged a multiplier of the impact fee per ERC. This will be handled on a case-by-case basis, and the multipliers will be calculated, based on the increase in demand above the allowed usage per indoor ERC of 259 gpm (gallons per minute) for the culinary water system.

Council Member Call asked if the fees and needs of the system was revisited every three years. Mrs. Lechtenberg said yes, it is. She said that it is the rule of thumb for her firm to suggest to cities to revisit the fees about every three years. Council Member Call then commented that he feels it will be a good idea that the fees will now be a part of the building permit process. Administrator Mills added that Community Development calculated the costs for sewer. Mrs Lechtenberg said it is more accurate that way.

Mayor Daniels then opened the discussion to a public hearing. No one came forward. He then closed the public hearing and brought the discussion up to the Council.

Administrator Mills said that the new fees will take effect in 90 days.

Mayor Daniels asked if there were anymore comments. There were none. He then asked for a motion.

ACTION: Council Member Wilson moved to approve Ordinance No. 2008-13, amending Title 9 Chapter 3 Subsections: 1 (Purpose), 2 (Definitions), 4 (Impact Fee Calculations), 5 (Capital Facilities Plan), 6A (Culinary Water Impact Fee Schedule), 7 (Exceptions and Adjustments) and 8 (Appeal Procedure) of the Pleasant Grove City Code, modifying the water impact fee schedule to \$3,169.28 per ERC; and providing for an effective date of May 20, 2008. A public hearing was held. Council Member Call seconded and the motion passed by voice vote unanimously with Council Members Wilson, Call, Boyd, Atwood and Jensen voting "Aye."

E. *TO CONSIDER A RESOLUTION PROVIDING A SCHEDULE OF MONTHLY WATER SERVICE CHARGES (INCLUDING AN INCREASE IN MONTHLY CHARGES).

Following Mayor Daniels reading this item, Mrs. Lechtenberg addressed the Mayor and Council and told them that her firm, based on a review of the pro forma and going along with the impact fee, determined that the City is very close to having sufficient revenue by adopting a 5% increase on the culinary rates. She said the secondary rate will go up 8%.

Both Council Member Jensen and Mayor Daniels mentioned that the secondary system is still being completed in areas of the City. He said it might be a little difficult to explain to citizens why the rate is going up already. Director Clay said the secondary system has been the same cost for the past 5 years, which has been \$15 for an average lot. He said that it will now be going up \$1.20 a month to \$16.20. With increased expenses in building the system, the cost has to rise, he explained.

Mrs. Lechtenberg then explained that the operational expenses are going up for the City all of the time. She noted and that the culinary system is aging. Also, the costs for the secondary system's installation have continued to rise. She then explained that the City is trying to balance the culinary expenses, irrigation assessments, utilities and the hiring of staff to keep both systems running properly. She also noted that in the bonding process, the bonding companies make sure that the City is charging adequate fees to cover their expenses. If the fees are not what they should be, she said the City's bond rating could conceivably go down. This, in turn, could cost the City higher interest rates on the bonds. She said it is pretty key to the process.

Council Member Boyd asked if the City staff had anticipated a raise in the rates of the culinary and the secondary system. Director Clay then indicated that this is why they will be reviewing the rates each year.

Administrator Mills then reported that several years back, there had been an ordinance passed that would help the City to hopefully keep up with the costs of the culinary system. He said that this year, the secondary system costs were also looked at. Additionally, he noted that the other issue is that the systems need to meet the mandates of the City. He reported that in order for the City to provide safe culinary water, there are numerous tests and treatments that need to be provided; which have become new and expanded over the years.

Mayor Daniels said it was important that the information got out to the residents as to the reason for the rate increases. The Mayor and Council Member Atwood both suggested that the information go out in the City utility letter, explaining to residents why costs have gone up.

Next, Council Member Jensen asked how many customers that the City currently has. Director Clay said about 7,000. He then asked how the City's water fees compare to other cities of the same size. Mrs. Lechtenberg said Pleasant Grove's rates are about mid-range.

Council Member Atwood asked how the rates are set. Administrator Mills explained that there are different factors that are looked at, including usage, conservation, etc. Mrs. Lechtenberg added that her firm looks at such factors as the base rate and how to cover the base costs of the system.

Council Member Boyd asked if Mrs. Lechtenberg has ever ran across municipalities that fine people for using too much water. Mrs. Lechtenberg said that she hasn't run across that method. However, she said that the fee schedules are formulated to penalize for excessive use. Mayor Daniels then asked if there was further discussion. There was none. He then asked for a motion.

ACTION: Council Member Call moved to approve Resolution No. 2008-010, providing a schedule of monthly water service charges (including an increase in monthly charges). Council Member Wilson seconded and the motion passed with voice votes from Council Members Wilson, Atwood and Boyd voting, "Aye," and Council Member Jensen voting, "Nay."

F. TO CONSIDER APPROVAL OF ADMISSION FEES AND FACILITY RENTAL FEES FOR THE NEW COMMUNITY CENTER, INCLUDING APPROVAL OF RENTAL FEES FOR OTHER CITY FACILITIES.

Recreation Manager Jay Dee Nielsen came forward and indicated to the Mayor and Council that a new pass price schedule has now been formulated. He then handed out copies of the schedule, which follows below:

Pleasant Grove Community Center Pass Prices	Annual	Semi Annual	**Monthly Pass	Age
			There may be additional fees	
** Pass Prices				
Resident Family	\$ 325.00	\$ 180.00	\$ 32.50	
Family Non Resident	\$ 405.00	\$ 225.00	\$ 40.50	
Couple Resident	\$ 250.00	\$ 140.00	\$ 25.00	
Couple Non Resident	\$ 310.00	\$ 170.00	\$ 27.00	
Individual Adult Resident	\$ 150.00	\$ 85.00	\$ 15.00	
Individual Adult Non Resident	\$ 190.00	\$ 105.00	\$ 19.00	
Individual Student Resident	\$ 95.00	\$ 53.00	\$ 9.50	*

Individual Student Non Resident	\$ 120.00	\$ 70.00	\$	12.00	*
Senior Couple Resident	\$ 140.00	\$ 80.00	\$	14.00	55+
Senior Couple Non Resident	\$ 175.00	\$ 95.00	\$	17.50	55+
Senior Individual Resident	\$ 75.00	\$ 40.00	\$	7.50	55+
Senior Individual Non Resident	\$ 95.00	\$ 55.00	\$	9.50	55+

* Student Price is applicable for anyone that can prove valid student status as well as Pleasant Grove Resident status. (i.e utility bill & student activity card)

Residents = Pleasant Grove only, Lindon and Cedar Hills are considered Non Residents

Proposed Daily Prices

Full Facility w/Fitness Classes	\$
Adults 16 - 54 years old	3.00
Youth 4-15	2.50
Seniors 55 +	2.00
3 & under free with paying adult	

**Daily Admission Includes State Sales Tax

Initial Pass Prices During Strawberry Days will be sold at 15% off (annual and semi annual passes only)

If passes are renewed within 30 days of expiration, patrons will receive a 15% discount (annual and semi annual passes only)

Manager Nielsen then explained that he compared these rates to other cities offering passes to their recreation centers. Some of the centers had pools, but also had far less other amenities that will be offered in Pleasant Grove. Additionally, he said there was a difference in rates for resident and non-residents of Pleasant Grove.

Council Member Boyd asked if there were rates being offered for corporate entities. Manager Nielsen said that there had not been any companies that had approached him for corporate rates as yet, but he would be happy to put something like that together if it is requested.

Council Member Wilson asked if City employees will be afforded free passes. Director Giles said yes, City employees that are full-time and permanent part-time will be offered free passes. Their families or spouses will pay the resident rate, he said. He said there has been a lot of interest with the City employees with the passes. Manager Nielsen said he highly recommends that City employees take advantage of using the new center. He said it can improve their overall health and well-being.

Regarding the student rates, Council Member Jensen asked if those students at Pleasant Grove schools, that are not Pleasant Grove residents, will be paying the student rate. Manager Nielsen said that students will pay the non-resident rate if they are not in Pleasant Grove. Attorney Petersen suggested that they should be required not only to show their school ID and their driver's license, but also show their parent's utility bill if they don't have a valid driver's license.

Council Member Atwood asked if the pass fees will help to defer the operational costs of the center. Director Clay said it will help to cover a lot of the costs, but not all of them.

Council Member Jensen asked if the passes are taxed. Manager Nielsen said yes, they are taxed the same as golf passes are taxed. He said both the passes and the daily admission have the tax built in.

Manager Nielsen then indicated that the hours of the center will be from 6 a.m. to 10 p.m. Monday through Friday, and 9 a.m. to 9 p.m. on Saturday. Council Member Atwood asked that at least one or two of the gyms be kept open from rental for open play. He mentioned that when the boutiques have come into the old community center, all open play for the community is shut down for those days. Manager Nielsen said that there will always be a gym open at the new facility. Additionally, Director Giles said that the boutiques will continue to rent the old gym, and will not be coming to the new center for now.

Next, Manager Nielsen told the Mayor and Council that there will now be a change in the hours for the rental of park pavilions. In the past, there was a rental time in the early morning. He said it was very difficult for the park's crew to try to get in early enough to clean the pavilions prior to the party coming in. Now, he said the hours only cover two times people can rent the pavilions. Those times are from 9 a.m. to 2 p.m. and from 3 p.m. to 9 p.m.

Mayor Daniels asked if there were any other questions. There were none. He asked for a motion.

ACTION: Council Member Atwood moved to approve admission fees and facility rental fees for the new Community Center, including approval of rental fees for other City facilities, with student fees including only verified Pleasant Grove City residents. Council Member Wilson seconded and the motion passed unanimously with Council Members Wilson, Jensen, Atwood and Boyd voting, “Aye.”

G. TO CONSIDER AWARDING BID FOR THE PLEASANT GROVE CITY SAFE SIDEWALK, 2008 PROJECT.

Director Walker addressed the Mayor and Council and told them that the 2008 Safe Sidewalk project for 100 East (in front of the John Hancock school) had been tabulated, and the bid from Raass Brothers, Inc. at \$75,335. He said this amount was under the engineer’s estimate. Additionally, he said Raass Brothers, Inc, come highly recommended. The project will begin soon after school lets out in June, 2008.

Mayor Daniels asked if there were any comments or questions. There were none. He then asked for a motion.

ACTION: Council Member Wilson moved to approve awarding bid for the Pleasant Grove City Safe Sidewalk, 2008 Project to Raass Brothers, Inc, in the amount of \$75,335. Council Member Call seconded and the motion passed unanimously with Council Members Call, Wilson, Atwood, Boyd and Jensen voting, “Aye.”

H. TO CONSIDER APPROVAL OF A REQUEST FOR A WAIVER OF PROTEST FILED BY CHAD MARSHALL REQUESTING AN EXEMPTION FROM INSTALLATION OF PUBLIC IMPROVEMENTS AT 1223 WEST 1670 NORTH.

Administrator Mills came forward and told the Mayor and Council that the City had received a letter from Mr. Chad Marshall requesting an exemption from the installation of public improvements (sidewalk) at 1223 West 1670 North in Pleasant Grove.

Council Member Call asked if the Mr. Marshall was in attendance at the current meeting. Administrator Mills said no, that Mr. Marshall didn’t know this issue was going to be discussed at the current meeting. Council Member Call then said that his point was that he felt that Mr. Marshall needed to understand that one of the ways to encourage the improvement of neighborhoods in the City was that the public improvements such as sidewalk, etc, needed to be put in if a garage, etc, was added to a person’s property.

Council Member Jensen said that he had gone up and looked at Mr. Marshall’s property. He said that none of the homes in the neighborhood had sidewalk—and if the City required him to put in sidewalk, he would be the only one. He added that he couldn’t see that it was common sense to require him to put sidewalk in at this time.

Administrator Mills then explained that even though he might have a temporary waiver, it would be stipulated in the waiver that if the City determined at some point it was time for him to put in the sidewalk, that he could not protest that move.

Council Member Atwood said he understood Mr. Marshall being the only home on the street to have sidewalk, but he said he was concerned that if the Council allowed him a waiver, if it would set a precedent.

Engineer Lewis then interjected that the reason the improvements had not been originally put in was because the neighborhood was in the county for many years until it was made part of Pleasant Grove. He said the improvements were not required by the county. He said if there is a waiver, that it would be stipulated in the waiver that he would need to add the sidewalk when the City instructed him to. Council member Atwood said he felt that would be okay.

Mayor Daniels asked if there were anymore comments or questions. There were none. He then asked for a motion.

ACTION: Council Member moved to approve a request for a Waiver of Protest filed by Chad Marshall requesting an exemption from installation of public improvements at 1223 West 1670 North. Council Member Jensen seconded and the motion passed unanimously with voice votes from Council Members Wilson, Atwood, Boyd and Jensen voting, "Aye."

I. TO CONSIDER ACCEPTANCE OF THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANT (SAFER GRANT), INCLUDING DISCUSSION OF FISCAL IMPACTS ON THE CITY.

Chief Marc Sanderson came forward and explained that the numbers with the currently received Safer Grant will save the City \$279,000 through 2013. He then showed that the total cost savings at the end of the grant (in 5 years) will be \$1.8 million in wages.

Each year, the Safer Grant pays a certain amount of the wages for the firemen/paramedics. Council Member Jensen said that it looked like there would be a total of 10 new employees. Chief Sanderson said that was correct. In 2008/2009, \$379,500.00 would be the amount that would come to the city to pay the employee's wages. In 2009/2010, the amount would go down to \$337,300.00. The amount will continue to go down, with a larger participation from the City each year. The last year for the Safer Grant participation will be 2011/2012.

Chief Sanderson said that with the Safer Grant, the added employees will ensure the response time for calls will be 2 to 4 minutes. Without the Safer Grant, the response time is estimated to be 12 to 14 minutes.

After further discussion, Council Member Call remarked that he feels that realistically, the Council needs to ask if having that many more full-time employees is what they would like to see the City be able to have on line. He said that he feels utilizing the Safer Grant would be a good way to get the larger department that the City is going to need.

Chief Sanderson agreed. He said that Pleasant Grove City could not make this kind of jump in the hiring of personnel without the assistance of such a thing as the Safer Grant. Mayor Daniels observed that he would feel uncomfortable with the new hotel and convention center going in without more emergency personnel trained and ready.

Council Member Jensen then said that he wasn't disputing the need for additional personnel. He said that he just wanted to make sure that the Council realized that starting in year 6 of the plan, that the City will have to start kicking in \$600,000.00 to the budget to pay for the additional personnel. Director Clay then explained that if accepting the grant is important to the Council, the City will just have to be ready to take the expense over in year 6.

Council Member Boyd then indicated that she thought that adding to the force was fantastic. She said that she appreciated the fact that Chief Sanderson had explained the process very well, and had given the Council time to grasp how it worked. She added that receiving the grant and enlarging the emergency personnel roster was a forward motion that the City residents would benefit from.

Mayor Daniels thanked Chief Sanderson and his staff for writing and receiving the grants for the City resident's benefit. Mayor Daniels then asked if there were any more questions or comments. There were none. He then asked for a motion.

ACTION: Council Member Wilson moved to approve acceptance of the Staffing for Adequate Fire and Emergency Response Grant (Safer Grant), including discussion of fiscal impacts on the City. Council Member Jensen seconded and the motion passed unanimously with Council Members Wilson, Atwood, Call, Boyd and Jensen voting, "Aye."

J. TO PRESENT AND CONSIDER THE ADOPTION OF THE CITY'S TENTATIVE OPERATING AND REDEVELOPMENT AGENCY (RDA) BUDGETS FOR FISCAL YEAR 2008/2009 AND SET DATE FOR A PUBLIC HEARING TO CONSIDER ITS APPROVAL AND A DATE FOR ITS FINAL ADOPTION.

Referring to the City's tentative Redevelopment Agency (RDA) budget for 2008/2009, Director Clay explained that the Council had been able to spend quite a bit of time already in going over facts and figures. He explained that the City's largest source of revenue was taxes at 44%. Next largest revenue source are the B & C Roads at 26%. The General Fund revenue total is at \$19,884,750.00.

The total calculated for the General Fund expenses would be at \$19,862,072.00. The largest expenditure is the Streets Department at \$5,900,525.00 or 29% of the total. Next expenditure is Public Safety at \$5,264,041.00 or 26% of the total.

Expenses, Director Clay explained, include major budget request items. These are the 3.2% Cost of Living Adjustment and a 2.5% Merit increase for full-time and permanent part-time employees. Additionally, there is the new 10 full-time employees with the fire and ambulance and that department's lease of the 100 foot ladder truck.

There is also expense with the City's secondary water system, which is nearing completion. Street improvements, the replacement of antiquated water lines, the reconstruction of Shannon Fields, implementing the Downtown 2020 plan as well as an additional secondary water tank will all play a part in the budget this next year.

The City's debt totals \$50,274,377.00. The Redevelopment Agency (RDA) portion of the debt is \$19,785,000.00. Next are the water revenue bonds at \$16,335,000.00. Other debts include class B & C road funds, sales tax, leases, etc.

Mayor Daniels thanked Director Clay for his presentation to the Council. He asked if there were any questions or comments from the public or the Council.

Council Member Wilson thanked Treasurer Bezzant, Director Clay and Administrator Mills for their hard work in preparing the budget.

Director Clay reminded the Council that this action was the approval for the tentative RDA and operating budget. He said the final approval would be at the June 3, 2008 meeting. Ultimately, he said the budget has to be done by June 22, 2008.

ACTION: Council Member Boyd moved to approve the adoption of the City's Tentative Operating and Redevelopment Agency (RDA) Budgets for Fiscal Year 2008/2009 and set date for a public hearing to consider its approval and a date for its final adoption as June 3, 2008. Council Member Jensen seconded and the motion passed unanimously with Council Members Wilson, Atwood, Call, Boyd and Jensen voting, "Aye."

10. STAFF BUSINESS

- Engineer Lewis reported that he had met with UDOT regarding the detour improvements that are to be made on 200 South between State Street and Main. He said that that the road will be repaved and sidewalk will be installed.
- Director Young noted that he had received emails concerning the progress of the Downtown Advisory Board (DAB). He said he perceives that they have made good strides in looking at the Central Business District zone, and proceeding through the text of the proposed Downtown 2020 plan. There have not been a lot of substantive changes, just clarifications. They are making some good recommendations, he noted.

Mayor Daniels asked if they will be ready to give their preliminary report the end of May; with their final report the first week of June. Director Young said he would hope they will be ready.

- Director Giles reminded the Council of the Memorial Day program at the Cemetery on Monday, May 26, 2008 at 9 a.m.
- Director Walker said that five miles of road repair work will be going to bid on 200 South, etc. within the next week.
- Chief Sanderson thanked the Mayor and Council for their approval of the Safer Grant. He said it will make a huge difference in his departments.
- Director Clay said that he had met with Mr. Kent Wells on the Fox Hollow Golf Course budget. He said the Golf Course needs and additional \$150,000.00—split three ways.

He asked if the Council would be willing to contribute another \$50,000 into the course at this time. He said that he is comfortable with the contribution as the budget does have the money at this time. He also said that he and Mr. Wells discussed the fact that this will be the last time the City can participate due to their payments due on the bonds for the course at this time. Council Member Jensen said that American Fork City had already contributed their \$50,000 share.

Mayor Daniels asked how the Council felt about participating with this time. The Council each told the Mayor they were okay with contributing the \$50,000 at this time.

11. MAYOR AND COUNCIL BUSINESS

- Mayor Daniels said that there had been discussion about the fact that the Mayor and Council had not received raises for about 10 years. He said in research that had been done on the subject, there seemed to be no real pattern as to how and why other cities of the same size paid their mayors and councils. Additionally, it was found that Pleasant Grove's Mayor was in a higher salary range, with the Council in a lower than average salary range.

Mayor Daniels asked if there was any kind of built in cost of living adjustment for the Mayor and Council. Attorney Petersen said she would have to check on that for the Mayor. She also reminded them that if the Council does decide to discuss the changing of their salaries and benefits, it would need to be done by ordinance. She said, however, if the Mayor and Council just wanted to discuss the issue that it could be done at an upcoming work session. Council Member Jensen recommended it be discussed at the May 27, 2008 work session. The Mayor and Council agreed.

- Council Member Jensen asked what the status of the interlocal agreement regarding the Provo River User's Association. Attorney Petersen said that she was in the process of reviewing the agreement. Director Giles that when he attended a recent meeting, the matter was discussed, but the agreement was still pending.
- Council Member Atwood said that at a recent meeting of the North Point Waste board, it was mentioned that a study was being done on the cost of recycling. He said there could possibly be two trucks that would come to Pleasant Grove and haul off the recycling materials.

12. SIGNING OF PLATS

There were no plats to sign.

13. REVIEW CALENDAR

Mayor Daniels reminded everyone that Strawberry Days would be coming up in June. Director Clay also mentioned that there might be a special meeting that would need to be called on June 10, 2008. He said he was waiting to hear from Mr. Jason Burningham regarding the possible meeting.

14. APPROVE PURCHASE ORDERS

Mayor Daniels asked if the Council had reviewed the purchase orders for May 10, 2008.

Council Member Jensen asked about Community Development's \$12,000 expenditure for aerial photography. Engineer Lewis said it was for what is called orthofotography, which are specialized photos that are shot from airplanes that show different areas of the City. He said the Council have seen these photographs frequently in presentations regarding final plat approvals, etc. Mayor Daniels added that all pictures of parcels, including overlays for the city plan, are done with this method. Chief Paul said they also can use it in police work with hostage situations or search warrants. He said this kind of photography is very useful for his department.

ACTION: Council Member Jensen moved to approve the purchase orders for May 10, 2008. Council Member call seconded and the vote was unanimous with Council Members Call, Wilson, Atwood, Boyd and Jensen voting "Aye."

13. EXECUTIVE SESSION TO HOLD A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY (UCA 52-4-205(1)(D), AND ALSO TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL (UCA 52-5(1)(A)(I)).

ACTION: At 10:15 p.m, Council Member Jensen moved to go into executive session to discuss the purchase, exchange or lease of real property (UCA 52-4-205(1)(d), and also to discuss the character, professional competence or physical or mental health of an individual (UCA 52-5(1)(a)(i)). Council Member Call seconded and the motion passed unanimously with Council Members Wilson, Call, Boyd, Jensen and Atwood voting, "Aye."

ATTENDING:

Mayor:

Mike Daniels

Council Members:

Cindy Boyd

Mark K. Atwood

Lee G. Jensen

Bruce Call

Jeffrey Wilson

Others:

Frank Mills, City Administrator

Gary Clay, Finance Director

Tina Petersen, City Attorney

Chief Tom Paul

Mary Burgin, Deputy Recorder

ACTION: At 10:54 p.m, Council Member Wilson moved to go back into regular session. Council Member Jensen seconded and the motion passed unanimously with Council Members Call, Boyd, Wilson, Jensen and Atwood voting, "Aye."

15. ADJOURN

ACTION: At 10:55 p.m. Council Member Wilson moved to adjourn the meeting. Council Member Atwood seconded and the motion passed unanimously with Council Members Call, Wilson, Jensen, Atwood and Boyd voting, "Aye."

This certifies that the City Council Minutes of May 20, 2008 are a true, full and correct copy as approved by the City Council on July 1, 2008.

Signed _____
Mary Burgin, Deputy Recorder